

September 9, 2010

The Board of Public Works & Safety met at 4:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling and Higgins attending. Others attending were Chief Waters; Comm. Maynard; Cecil Waters; David Wiginton; Judy Dicus Thomann – Bernardin Lochmueller & Associates; Andrei Sharygin; Sara Manifold – Mount Vernon Democrat; Pam Robinson – Posey County News; and arriving during the meeting, Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Fuelling moved the claims presented be allowed for payment. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear the reports of the Departments.

Chief Beloat was not present.

Chief Waters stated the Posey County Drug Task Force has requested some old gloves and coats from the Fire Department, after an incident at a drug scene earlier. He added they have some very old used coats they are welcome to have, as they really do need protection. He asked that the Board declare the old coats junk/surplus and he be permitted to donate them.

Board member Fuelling moved the coats be declared junk/surplus and they be donated to the Posey County Drug Task Force. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously. He then asked if there were any questions ?

There were none.

Comm. Maynard reported the culvert replacement on Greenbrier is mostly complete though they did have to stop for the water department to lower the water line. He added they did hit it, but it has since been fixed.

Supt. Givens arrived at the meeting.

Board member Fuelling stated the water line needed to be below the culvert to begin with.

Comm. Maynard then stated the street has been opened back up.

Board member Fuelling stated it looked they had done a nice job, but the ditch still needs work. Comm. Maynard agreed and added there is also a power line that runs through there as well as utilities.

Mayor Tucker asked if there were any questions ?

There were none.

Supt. Givens stated Danny Moss will again be attending a class for his recertification, with will once again, coincide with IACT. He stated he will be going to that class directly from the IACT conference and would like to have permission to take an extra credit card for Mr. Moss.

Board member Higgins moved permission be given for Mr. Moss to attend the class on October 7 and for Mr. Dennis Givens to take attend and take the city vehicle. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously. He then asked if there were any questions ?

There were none.

Mayor Tucker stated he again extends sympathy to Supt. Givens and his family on the loss of his father, former Supt. Carlton "Tiny" Waller. Mr. Waller was a great public servant and city employee.

Board member Fuelling added as well as a role model for kids.

Supt. Givens stated he appreciates everything the city has done during his father's passing – thanks. He then stated Rudolph came down today to look at paving Carlton Lane and they will get an estimate to him next week. In the meantime, he stated, Comm. Maynard mentioned Rejuv-Tec to him and he may consider having them coat it instead, to save money.

Comm. Maynard added that would extend the life of the road.

Supt. Givens stated he will know soon which route he will take. He mentioned the dedication to his family when they were in for the funeral and they are all interested in attending, some from out of town.

Board member Higgins asked Supt. Givens if they were doing some work behind the Mount Vernon Democrat office ?

Supt. Givens replied no, that is not city work.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated on the Legal portion of the Agenda is a request to waive a weed notice for billing for Mr. Andrei Sharygin for the property located at 907 E. 5th Street.

Clerk-Treasurer Sitzman stated Deputy Clerk-Treasurer Dike sent the Board a packet of information on this some time last week.

Board member Fuelling stated before they take any action, he has some comments to make on this. He then read a prepared statement and summarized by stating this has been a case of one woman in the neighborhood being extremely picky on how her neighbors "manicure" their lawns. The weed ordinance should not be used for that. He then stated he is in favor of waiving this bill. He moved the billing for 907 E. 5th Street be waived.

Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

Board member Higgins stated she is not sure she fully understands.

Clerk-Treasurer Sitzman stated the yard in question was never in violation. The complaints were about weed eating around the foundation, the water meter, gas meter, things like that.

Board member Higgins stated she understands the situation now.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.
Mr. Sharygin thanked the Board and left the meeting.

Mayor Tucker asked if there were any other Legals ?

Chief Waters stated they were to open sealed bids on the 1945 fire truck, but he does not believe any were received. He added he will get with Attorney Higgins at this point to see where they go from here.

Board member Fuelling told Chief Waters not to “throw it away”.

Chief Waters replied he won't and then added the bed was bought in 1919.

Mayor Tucker stated Judy Dicus Thomann with BLA is in the Audience. He explained BLA was the engineer on Phase I, which he is happy to say is complete and he has received many good comments on that so far. He then stated BLA may again be hired for Phase 2 survey and design work and he does have the contract this afternoon if Board wishes to proceed with BLA.

Ms. Thomann stated the contract they have before them is for the design phase for the silo area and down to the river next to Sherburne Park. She added the grant the city was awarded was a transportation enhancement grant in the amount of \$900,000 for this project. She stated some of the features they have included in the design are an interactive water feature, lookout point, trail heads, and an amphitheater with utilities. She added the project will cross Water in to Main Street. She added if BLA is selected they will work closely with the city to be sure the city is completely satisfied with their project.

Board member Higgins questioned the 1937 and 1997 floods – will the amphitheater be protected in that event ?

Ms. Thomann replied it will be constructed of concrete so it will be ok.

Board member Fuelling added the observation deck will be on the same level as Water Street, mainly up on higher ground, except possibly for the stage.

Mayor Tucker stated he and Attorney Higgins met with Clerk-Treasurer Sitzman last week on funding for the city share of this grant and they have come up with two or three key areas where they can come up with the funds. He added no property tax dollars will be used for this project the money will come from other areas such as EDIT, State Gaming, and Rainy Day and it will be a one time disbursement, pay as we go. He then stated Phase I was done early and under budget.

Board member Higgins asked if the historical markers will be put somewhere in Phase 2?

Board member Fuelling replied there is room there yes, and there is also room in Phase I. The basic plan is solid. He then stated Vectren is working with the city on the electrical for Phase I – they have a real neat idea – the “boxes” are plugged in as needed.

Mayor Tucker added Vectren also donated those.

Ms. Thomann stated this is a phenomenal project for the city and it is a straight 80/20 matching grant, through INDOT.

Board member Fuelling moved they approve the contract with BLA for Phase 2, survey and design, and Mayor Tucker and Clerk-Treasurer Sitzman are authorized to sign off on contract. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

Mr. David Wiginton stated in reference to the Moving Wall this past weekend, Comm. Maynard did a great job of cleaning up afterwards, but his real business for today is his door – it is still not repaired or paid for. He added he is appealing to the Board to do that. He continued by stating he believes they have an ethical responsibility to him to pay for the door and he personally believes he

is being singled out in this situation. He then stated it is unbelievable – someone made a mistake and they are not taking responsibility for it. He then asked if we now live in a police state – this is a very serious situation here and it stinks, it really does. He stated I guess people think they can do anything – it stinks. He added he pays taxes and he has a feeling the Board is being influenced by its city lawyer – and he hopes they are. He then stated he is paranoid about being singled out but he will not shut up ever until something happens. He added he is not a vindictive person really and he likes Mount Vernon, but this stinks of high order. The city caused him harm of a financial nature and they should be responsible for it – the guy that made the 911 call can't pay it and no one has apologized to him. It sucks of the highest order. That's all folks.

Mayor Tucker replied he is sympathetic to Mr. Wiginton – Chief Beloat is not present today and he has all of the paperwork associated with this case. He added the city insurance company denied the claim as the police were acting within the jurisdiction of their duty. The insurance company did give Mr. Wiginton some recommendations of other avenues he could take. He stated everyone present today is sympathetic to Mr. Wiginton's situation but it appears the liability lies on the person that was O'Ding, the caller. He added dispatch sent the police to the wrong residence. He stated another option would be to file a claim in small claims court. He added bottom line, the police responded to an emergency and he believes the clock may be ticking on any legal action. Mr. Wiginton stated it sucks. Why should he go before a judge? The guy who called 911 has no money. He added he has an ADT sign in his front yard, there was no mail in the mailbox and they could have looked in the window and seen no furniture in the house – and they still believed there was someone in there O'Ding ?? Are you saying the police don't know where the drug activity is in that area? Officer Boyster and then Officer Tucker would have known. There have been no 911 calls from the residence in 38 years. He then stated this is an issue with him now and it will be until the city settles it. He added he can cause embarrassment on this issue and he will do it. This is absolutely insane – again, the city is declining to do anything about it. It wasn't dispatched wrong either.

Mayor Tucker stated again, Chief Beloat is not present today to address this.

Mr. Wiginton replied that he will be at the Council meeting Monday night and he will be at the next meeting of this Board.

Board member Fuelling stated he was not singled out and he then added that he has two other avenues open to him. He stated judges can make decisions on things like this and sometimes they have to in cases like this. He then stated he does not know Mr. Wiginton's objection to going that route.

Mr. Wiginton replied he shouldn't have to. He stated it is about ethical behavior, the city is not acting ethical – in fact, it is illegal behavior on the city's part. Thank you.

Mayor Tucker asked if anyone else in the Audience wished to address the Board?

There was no response.

Mayor Tucker asked if there was any Old Business?

Board member Higgins stated she would like to extend special thanks for everyone's help with the Moving Wall – all departments. She added it was a great event for the city and the county and she received many great comments about the city from visitors.

Mayor Tucker asked if there was any New Business?

There was none.

Mayor Tucker stated he received the motion to dismiss the city's judicial order, of which has given the Board copies. He added it was actually dismissed in May. He then stated this says a lot for Supt. Givens and for BLA.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Fuelling moved the meeting be adjourned. Seconded by Board member Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer